

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RONALD BUZZARD, JR.,

Plaintiff,

V.

ISRB/CCB, LYNN DELANO, TIM
SAHLBERG, DENNIS THAUT, BETSY
HOLLINGSWORTH,

Defendants.

No. C15-5874 RBL-KLS

**ORDER DENYING MOTION FOR
DISCOVERY (DKT. 25)**

Plaintiff Ronald Buzzard moves for an order directing discovery pursuant to Fed. R. Civ. P. 26(a). Dkt. 25. For the reasons set forth below, the motion is denied.

BACKGROUND FACTS

Mr. Buzzard, an inmate at the Stafford Creek Corrections Center (SCCC), proceeding pro se and in forma pauperis, brings this 42 U.S.C. § 1983 civil rights action against the Indeterminate Sentence Review Board and members of the Board. Dkt. 7. Since filing this case, Mr. Buzzard has propounded one set of interrogatories, which the Board answered. Dkt. 29, Exhibits 1 and 2. Presently pending before the Court is the Board's combined motion to dismiss and motion to stay discovery. Dkt. 22. Under separate Order, the Court has granted the motion to stay.

DISCUSSION

Mr. Buzzard seeks, through his motion, the production of various transcripts and files of the Board related to his hearings. Dkt. 25. He brings the motion pursuant to Fed. R. Civ. P.

ORDER - 1

1 26(a)(1)(B) governing initial disclosures in civil actions. However, Mr. Buzzard is not entitled
2 to initial disclosures under Fed. R. Civ. P. 26(a)(1)(B), because actions brought without an
3 attorney by a person in custody are specifically exempt from the initial disclosure requirement.
4 Mr. Buzzard is an inmate and is proceeding herein without an attorney. Therefore, his motion
5 must be denied.

6 In addition, Mr. Buzzard's motion is essentially a motion to compel but he has not taken
7 the steps required prior to filing a motion to compel. A litigant must first make a request for
8 discovery to the opposing party, the opposing party is then afforded an opportunity to respond,
9 and if the parties cannot agree, only then may a litigant seek assistance of the court. *See* Fed. R.
10 Civ. P. 33, 34, 37(a)(1) ("a party may move for an order compelling disclosure or discovery. The
11 motion must include a certification that the movant has in good faith conferred or attempted to
12 confer with the person or party failing to make disclosure or discovery in an effort to obtain it
13 without court action."). Mr. Buzzard has not taken these steps and therefore, he is not entitled to
14 an order compelling discovery.

15 Accordingly, it is **ORDERED**:

16 (1) Plaintiff's motion for discovery (Dkt. 25) is **DENIED**.

17 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
18 Defendants.

19 **DATED** this 8th day of February, 2016.

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Karen L. Strombom
United States Magistrate Judge